

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KERRY CONLEY,

Petitioner,

No. C 05-03588 JSW

v.

A.P. KANE, Warden, Central Training Facility  
- Central Facility,

**ORDER TO SHOW CAUSE**

Respondent.

Movant, Kerry Conley, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

**BACKGROUND**

Petitioner was convicted by a jury of murder in the second degree (Cal. Penal Code (§187) with an enhancement for personal use of a firearm (Cal. Penal Code § 12022.5), and was sentenced to 15 years to life, plus one two years for the enhancement.

**LEGAL CLAIMS**

Petitioner does not challenge the validity of his underlying conviction or the resulting sentence. Rather, Petitioner seeks federal habeas corpus relief by raising the claim that the California Board of Prison Terms' has violated the Due Process Clause of the 14th Amendment to the United States Constitution by its repeated denials of parole to Petitioner. Liberally construed, the claim appears potentially colorable under 28 U.S.C. § 2254 and merit an answer from Respondent.

**CONCLUSION**

For the foregoing reasons and for good cause shown:

1. Petitioner shall serve by certified mail a copy of this Order and the petition and all attachments thereto upon Respondent.
2. Respondent shall file with the Court and serve on Petitioner, within 60 days of the date of this Order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the administrative record that are relevant to a determination of the issues presented by the petition.
3. If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the Court and serving it on Respondent within 30 days of his receipt of the answer.

**IT IS SO ORDERED.**

Dated: January 23, 2006

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE